



REMARKS

In view of the following remarks, reconsideration and allowance are requested.

Status of Claims

Claims 44-48, 51-54, 70, and 72-104 are pending in the application.

Claims 72-83, 90-99 stand rejected under 35 U.S.C. 103(a) for allegedly being obvious over U.S. Patent No. 5,200,847 to Mawatari et al. ("Mawatari") in view of U.S. Patent No. 5,821,559 to Yamazaki et al. ("Yamazaki").

Claims 44-48, 51-54, and 72 stand rejected under 35 U.S.C. 103(a) for allegedly being obvious over Mawatari and Yamazaki in further view of U.S. Patent No. 5,148,301 to Sawatsubashi et al. ("Sawatsubashi").

Claims 44-48, 51-54, 70-104 stand rejected under the judicially created doctrine obviousness-type double patenting for allegedly being unpatentable over claims 17 and 24 of U.S. Patent No. 5,834,327.

35 U.S.C. 103 Rejections

Claims 44, 72, 78, 90, and 95 are patentable because the suggested combination in the Office Action fails to teach all of the features of the claim. For example, the cited prior art does not teach or suggest the combination of the features of "a **base film** in contact with said resin" as asserted in the Office Action. These features are fully supported in the application, e.g., an exemplary embodiment is shown in Fig. 7B and the related textual description is on page 10, lines 4-23.

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A 35 U.S.C. § 103 claim rejection requires a showing of some teaching, suggestion, or motivation in the prior art that supports the combination of the features from the prior art references. *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281 (Fed. Cir. 1985).

Mawatari does not teach a base film (e.g., substrate 118a) in contact with the resin as asserted in the Office Action. In fact, the reference numeral 118a does not disclose a base film. Instead, the reference numeral 118a denotes a substrate such as quartz glass. This fact is supported in Col. 6, lines 41-42 of Mawatari below:

"... on the substrates 118a and 119a **comprising heat-resistant glass** such as quartz glass..."

Furthermore, Mawatari states this fact again in Col. 6, lines 51-52:

"Therefore, the substrates 118a and 119a should be **made of heat-resistant glass** ..."

Hence, Mawatari fails to teach that the recited base film is in contact with the recited resin in the pending claims. Both Yamazaki and Sawatsubashi fail to remedy the deficiencies of Mawatari. Since the cited references fail to teach or suggest each and every feature recited in the pending claims, Claims 44, 72, 78, 90, and 95 are patentable over the combination of Yamazaki, Sawatsubashi, and Mawatari.

Obviousness-Type Double Patenting

Claims 44-48, 51-54, 70-104 improperly stand rejected under the judicially created doctrine obviousness-type double patenting for allegedly being unpatentable over claims 17 and 24 of U.S. Patent No. 5,834,327. However, Claims 17 and 24 of U.S. Patent No. 5,834,327 do not recite the resin or the base film

formed in contact with the resin. Hence the pending claims of this application are distinctly different from Claims 17 and 24 of U.S. Patent No. 5,834,327 and the rejections should be withdrawn.

Dependent Claims 45-48, 51-54, 70, 73-77, 79-83, 85-89, 91-94, 96-99, and 101-104

The remaining rejected dependent claims are allowable for the reasons that their respective independent claim is allowable and for reciting allowable subject matter in their own right. Independent consideration and allowance of the dependent claims are respectfully requested.

CONCLUSION

Applicants believe that Claims 44-48, 51-54, 70, and 72-104 are in condition for allowance and ask that those pending claims be allowed. A formal notice to that effect is respectfully solicited.

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence by the Applicants with other positions of the Examiner that have not been explicitly contested. Accordingly, Applicants' arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.